

when R₆ is alkenyl of 2-7 carbon atoms or alkynyl of 2-7 carbon atoms, such alkenyl or alkynyl moiety is bound to a nitrogen or oxygen atom through a saturated carbon atom;

and further provided that

when Y is -NR₆- and R₇ is -NR₆R₆, -N(R₆)₃⁺, or -NR₆(OR₆), then g = 2-6;

when M is -O- and R₇ is -OR₆, then p = 1-4;

when Y is -NR₆-, then k = 2-4;

when Y is -O- and M or W is -O-, then k = 1-4

when W is not a bond with Het bonded through a nitrogen atom, then q = 2-4

and when W is a bond with Het bonded through a nitrogen atom and Y is -O- or -NR₆-, then k = 2-4.

REMARKS

The present invention relates to certain substituted 3-cyanoquinolines which are useful as antineoplastic agents and in the treatment of polycystic kidney disease.

Claims 1-9 have been rejected as being unpatentable over claims 1-28 of US Patent No. 6,002,008 under the judicially created doctrine of obviousness-type double patenting because the conflicting claims overlap.

Applicants respectfully traverse the rejection. Applicants have amended all of the independent claims to include the proviso "that for said at least one R₃ group the moiety Het-(C(R₆)₂)_q-W-(C(R₆)₂)_r cannot be morpholino-N-alkyl wherein the alkyl group is 1-6 carbon atoms, piperidino-N-alkyl wherein the alkyl group is 1-6 carbon atoms, N-alkyl piperidino-N-alkyl wherein either alkyl group is 1-6 carbon atoms, or azacycloalkyl-N-alkyl of 3-11 carbon atoms."

Applicants thank the examiner for his diligence in recognizing the possible overlap between the claims of the cited patent and the present application. Applicants believe that the claims as amended no longer overlap. Applicants would point out the proviso in the claims as originally filed that one of the R₃ groups must be certain specified groups. Because of the definitions of M, R₇ and R'₇, there is no overlap between R₃ of the application and R₈ of the cited patent for any of the specified R₃ groups with the possible exception of the moiety Het-(C(R₆)₂)_q-W-(C(R₆)₂)_r which has been addressed by the present amendment.

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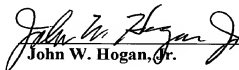
The Examiner has requested that the abstract be shortened by stating that the variables are as defined in the specification. The Examiner has also requested that the applicants enclose a copy of Burke, Drugs Future, reference AQ with the response and that the priority data be corrected after the title on page 1.

Applicants have complied with each of the three above requests. The abstract and the priority data has been amended. In addition, the requested reference has been enclosed. Applicants request that the Examiner acknowledge the reference as being of record.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Applicants believe that the present application is in condition for allowance and respectfully request that the Examiner enter the amendment, reconsider the rejections in light of the remarks herein and the enclosures and allow the application.

Favorable treatment of the application is earnestly solicited.


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